(8)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.(Habeas Corpus) No. 948/2002

PETITIONER : Smt. Olive Jakaria aged 36 yrs.
W/o Saurabh Jakaria R/o Katghora
Tah. Katghora, Distt. Korba (C.G.)

VERSUS

RESPONDENTS : (1) Saurabh Jakaria aged 40 yrs.
S/o K.K.Jakaria, Machadoli, Bango
Tah. Katghora, Distt. Korba.

(2) K.K.Jakoria S/o Not known
R/o Rajiv Bihar Rajkisor Nagar
Bilaspur, Tah. & Distt. Bilaspur.

(3) State of Chhattisgarh Through: DM.
Korba.

P.R. No. 7472
Presented by Shri A.K.Sharma
dated 9/12/02

PETITION UNDER ARTICLE 226, OF CONSTITUTION OF INDIA

(59)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 748 सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

13.01.2003

Mr. H.V. Sharma, learned counsel for the petitioner.

Mr. Dhirendra Mishra, learned counsel for respondents 1 and 2.

Mr. Ranbir Singh, Govt. Advocate for the State / respondent No.3.

Heard counsel for the parties.

Vide the order dated 04.12.2002 we directed the counsel for respondents 1 and 2 to keep the child Garima present before the Court and today, respondent No.1 has kept her present before the Court.

This Habeas Corpus petition has been filed by the petitioner for issue of writ of Habeas Corpus with a direction to the respondent No.1 to handover the minor child to the custody of the petitioner.

The case of the petitioner is that in the month of May, 2001, respondent No.1 forcibly took the minor child namely Garima from the custody of the petitioner and handed over the same to respondent No.2. It is submitted that the Sub Divisional Magistrate, Katghora, had issued a search warrant under Section 97 of Cr.P.C. and the girl was produced before him and he made an order the girl should be given to the custody of respondent No.1 by his order dated 10.07.2001 and now the girl is in the custody of respondent No.1.

GKPRJ—FS/78 —9/2000 —50,000.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 748 **सन्** 2002

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	Since the girl is in custody of her father, which is not disputed by the counsel for respondents, it is difficult to say that the girl is in the illegal custody of respondent No.1. The girl was also questioned by us and she has given intelligent answers and she prefers to stay with the father and she is very well looked after by the father. She has not complained anything against the father. She is aged about 10 years and the counsel for respondents 1 and 2 submitted that she has got good education record and she studies at D.A.V. School, Bilaspur. In the circumstances we do not see any substance in the petition and the same is disposed of. Parties are entitled for certified copy of this order. **Sd/-** **Chief Justice** **Sd/-** **P.C.Naik** **Judge**	

Jyotishi/Soma